

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Shelly Richter
5 Assistant Federal Public Defender
6 California State Bar No. 343104
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Shelly_Richter@fd.org
11

12 *Attorney for Petitioner Rosemary Vandecar

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Rosemary Vandecar,

16 Petitioner,

17 v.

18 Jerry Howell, et al.,

19 Respondents.
20
21
22
23
24
25
26
27

Case No. 2:21-cv-01714-RFB-BNW

**Unopposed motion for extension of
time to file First Amended Petition
(Second Request)**

Points and Authorities

Petitioner Rosemary Vandecar respectfully moves this Court for an order extending the time in which she must file a First Amended Petition. Her First Amended Petition is currently due Tuesday, April 11, 2023. ECF No. 15 (granting first 91-day extension of time to file petition). Here, Ms. Vandecar seeks an extension of 90 days, for a new deadline of Monday, July 10, 2023.

On April 7, 2023, counsel contacted Deputy Attorney General Matthew Johnson and informed him of this extension request. As a matter of professional courtesy, he had no objection. His lack of objection shouldn't be considered a waiver of any procedural defenses or statute of limitations challenges or construed as agreeing with the accuracy of the representations in this motion.

This motion is not filed for the purposes of delay, but in the interests of justice and the interests of Ms. Vandecar. Undersigned counsel joined the Federal Public Defender of Nevada in August 2022 and filed a notice of appearance in this case on January 20, 2023, ECF No. 16, after Ms. Vandecar's prior attorney moved to a different unit. Since filing the notice of appearance, undersigned counsel has been diligently compiling and reviewing Ms. Vandecar's extensive records and speaking with her. Counsel recently met with Ms. Vandecar twice in person, on February 23 and April 6, 2023. Counsel has been investigating the potential bases for a petition to challenge the outcome of Ms. Vandecar's jury trial, but, respectfully, requires more time to complete the ongoing tasks, especially investigative tasks and records review, before presenting a First Amended Petition to the Court. While reviewing Ms. Vandecar's case, counsel has also had obligations in other cases, including drafting replies in *Ayala v. Johnson*, Case No. 2:17-cv-02093-RFB-VCF (D. Nev.), and *Hudspath v. Olson*, Case No. 3:20-cv-00638-LRH-CLB (D. Nev.).

/

/

1 Dated April 10, 2023.


2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 /s/ Shelly Richter

6 Shelly Richter
7 Assistant Federal Public Defender

8 IT IS SO ORDERED:

9 
10 RICHARD F. BOULWARE, II
11 UNITED STATES DISTRICT JUDGE

12 DATED this 11th day of April, 2023.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27